

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BRYCE E. MASTERS,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	16-CV-01045-GAF
CITY OF INDEPENDENCE,)	
MISSOURI, et al.,)	
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS - VOLUME VI
BEFORE THE HONORABLE GARY A. FENNER
SENIOR UNITED STATES DISTRICT JUDGE
DECEMBER 14, 2018
KANSAS CITY, MISSOURI

APPEARANCES

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Proceedings recorded by mechanical stenography, transcript
produced by computer

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I N D E X

Page

NOVEMBER 27, 2018

VOLUME I

MICHAEL DREILING

Direct examination by Mr. Presley	14
Cross-examination by Mr. Cutler	20

I N D E X
(continued)

Page

DECEMBER 10, 2018

VOLUME II

Plaintiff's opening statement. 96

Defendant's opening statement. 109

PLAINTIFF'S EVIDENCE

ANDREW DENNIS

Direct examination by Mr. Burton. 128

Cross-examination by Mr. Cutler 164

I N D E X
(continued)

Page

DECEMBER 11, 2018

VOLUME III

SCOTT GRASHER

Direct examination by Mr. Burton	195
Cross-examination by Mr. Cutler	205

ED TURNER

Direct examination by Mr. Presley	206
Cross-examination by Mr. Cutler	225
Redirect examination by Mr. Presley	231
Recross-examination by Mr. Cutler	233
Further redirect examination by Mr. Presley	234

STEPHEN DAVIDSON

Direct examination by Mr. McCoy	235
Cross-examination by Mr. Cutler	248

MICHAEL LEONESIO

Direct examination by Mr. Burton	255
Cross-examination by Mr. Cutler	311
Redirect examination by Mr. Burton	331

ROGER BRYCE BLACKMORE

Direct examination by Mr. Presley	332
Cross-examination by Mr. Cutler	343
Redirect examination by Mr. Presley	345
Recross-examination by Mr. Cutler	347

STACY MASTERS

Direct examination by Mr. Presley	349
Cross-examination by Mr. Cutler	377

Stipulation of facts were read	403
--	-----

I N D E X
(continued)

Page

DECEMBER 12, 2018

VOLUME IV

TERRIE PRICE

Direct examination by Mr. Presley	424
Cross-examination by Mr. Cutler	440
Redirect examination by Mr. Presley	450
Recross-examination by Mr. Cutler	451

MICHAEL J. DREILING

Direct examination by Mr. Presley	452
Cross-examination by Mr. Cutler	461
Redirect examination by Mr. Presley	481

KAREN GROSSMAN TABAK

Direct examination by Mr. Presley	483
Cross-examination by Mr. Cutler	493

STEVEN MICHAEL ARKIN

Direct examination by Mr. Presley	497
Cross-examination by Mr. Cutler	509

STANLEY AUGUSTIN

Direct examination by Mr. Presley	523
Cross-examination by Mr. Cutler	532
Redirect examination by Mr. Presley	538
Recross-examination by Mr. Cutler	540

DEFENDANT'S EVIDENCE

EVAN BATEMAN

Direct examination by Mr. Cutler.	553
Cross-examination by Mr. McCoy.	556

SCOTT McKEE

Direct examination by Mr. Cutler.	558
Cross-examination by Mr. Presley.	562

KURT WYCKOFF

Direct examination by Mr. Cutler.	562
---	-----

DARRELL SCHMIDLI

Direct examination by Mr. Cutler.	565
Cross-examination by Mr. Presley.	570

I N D E X
(continued)

Page

TOM DAILEY

Direct examination by Mr. Cutler. 573

Cross-examination by Mr. Presley. 579

Jury instructions conference 584

I N D E X
(continued)

Page

DECEMBER 13, 2018

VOLUME V

Jury instructions conference	604
GARY MICHAEL VILKE	
Direct examination by Mr. Cutler.	618
Cross-examination by Mr. Burton	635
TIMOTHY RUNNELS	
Direct examination by Mr. Cutler.	636
Cross-examination by Mr. Presley.	653
Redirect examination by Mr. Cutler.	676
Plaintiff's closing argument	692
Defendant's closing argument	707
Plaintiff's rebuttal closing argument.	730

I N D E X
(continued)

Page

DECEMBER 14, 2018

VOLUME VI

Verdict.	767
Plaintiff waives punitive damage opening statement	772
Defendant's punitive damage opening statement.	773
PLAINTIFF'S EVIDENCE ON PUNITIVE DAMAGES	
Stipulation of facts	775
DEFENDANT'S EVIDENCE ON PUNITIVE DAMAGES	
TIMOTHY RUNNELS	
Direct examination by Mr. Cutler.	776
Cross-examination by Mr. Presley.	783
Plaintiff's punitive damage closing argument	788
Defendant's punitive damage closing argument	791
Plaintiff's rebuttal punitive damage closing argument. . .	798
Verdict on punitive damages.	800

INDEX OF EXHIBITS

EXHIBIT NO.	DESCRIPTION	OFFERED	RECEIVED
FOR THE PLAINTIFF:			
1	IPD mission statement	208	208
4	Taser information	247	247
5	Taser warnings	247	247
8	CEW user update	247	247
12	Photograph	202	203
37	Photograph	232	232
39	Taser training	247	247
41	Photograph	194	194
42	Photograph	194	194
44	Response to force policy	210	210
47	Taser download	194	194
53	Taser user certificate test	247	247
60	Bryce Masters' school transcript	354	354
79	Photograph	354	354
80	Photograph	357	357
100	Discharge summary	528	528
148	IPD general order code of conduct	208	208
149	IPD general order	210	210
156	Runnels' report	660	660

INDEX OF EXHIBITS
(continued)

EXHIBIT NO.	DESCRIPTION	OFFERED	RECEIVED
157	AMR report	525	525
158	Centerpoint medical records	525	525
161	Ability KC medical records	426	427
162	Rehabilitation Institute medical records	426	427
169	DVD dash cam video	193	193
170	DVD dash cam video	193	194
171	DVD cell phone recording	194	194
172	Photograph	660	660
180	Photograph	558	558
183	Photograph	364	364
184	Photograph	364	364
185	Photograph	364	364
187	Photograph	202	203

INDEX OF EXHIBITS
(continued)

EXHIBIT NO.	DESCRIPTION	OFFERED	RECEIVED
FOR THE DEFENDANT:			
D13	Toxicology report	536 & 541	536 & 541
D18	Report of Panelipse	535	535
D19	Consultation note	541	541
D23	Neurology progress note	534	534
D36	CV of Gary Vilke	621	621

1
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DECEMBER 14, 2018

MORNING SESSION

(The jury resumed deliberation at 8:45 a.m.)

(The following proceedings were had in the courtroom at 9:20 a.m. out of the presence of the jury:)

THE COURT: We have a note from the jury. Their note inquires, "Can we review Dr. Karen Grossman Tabak's financial finding report that was presented during the trial?" We've had some discussion on this, and I think we're all in agreement that the appropriate response is, "The report was not entered as an exhibit in evidence."

Mr. Presley.

MR. PRESLEY: That's correct, Your Honor.

THE COURT: Mr. Cutler.

MR. CUTLER: Yes, sir, we're in agreement.

THE COURT: All right. Thank you all.

MR. PRESLEY: I think the only addition perhaps, Your Honor, would be that they are to remember the evidence from the witness stand.

THE COURT: I'm sorry. What?

MR. PRESLEY: That they are to remember the evidence from the witness stand. The typical recollection --

THE COURT: You want me to add, "You will have to recall the evidence"?

MR. CUTLER: So how would it read in context, Your

1 Honor?

2 THE COURT: I don't know. I haven't written it out
3 yet. I'm going to write out my initial response because I
4 think that clearly is appropriate. The report was not entered
5 into evidence.

6 MR. PRESLEY: As an exhibit.

7 THE COURT: My only hesitation is I already told
8 them once they have to recall the evidence. I mean, sometimes
9 that's all you can do, but I kind of feel like that is somewhat
10 of a message to the jury that I'm not being helpful. It's just
11 kind of a personal thing.

12 MR. PRESLEY: Whatever the Court feels is most
13 helpful.

14 THE COURT: I think I'll leave it with, "The report
15 was not entered as an exhibit in evidence." That clearly
16 conveys to them the information was provided but just wasn't
17 received as an exhibit.

18 All right. Anything further on that, Mr. Presley?

19 MR. PRESLEY: It was not received because it was
20 not offered, though. I think that is the more accurate
21 statement.

22 MR. CUTLER: So say, "It was not offered or received
23 into evidence." Is that how you want to phrase it?

24 THE COURT: I'm just going to leave it as I've
25 got it. "The report was not entered as an exhibit in

1 evidence."

2 Any further record on that, Mr. Presley?

3 MR. PRESLEY: No, Your Honor.

4 THE COURT: Mr. Cutler?

5 MR. CUTLER: No.

6 THE COURT: All right. Thank you.

7 (A recess was taken.)

8 (The following proceedings were had in the courtroom
9 out of the presence of the jury:)

10 THE COURT: Thank you. You can be seated.

11 Just for your information, the jury just advised us
12 they are going to take a 15-minute break. Just passing that
13 along.

14 Mr. Denk, you want to come up? You want to sit on
15 either side?

16 MR. DENK: I want to sit square in the middle.

17 THE COURT: Well, I received your motion and
18 reviewed your authority on it and Mr. Cutler's suggestions as
19 well. So let me hear what Mr. Presley has to say.

20 MR. PRESLEY: The cases cited by Mr. Denk and also
21 Mr. Cutler all deal with the issue of liability insurance in an
22 actual damage setting, and they correctly state the law on
23 that, and I think it's well recognized by everybody that the
24 financial condition of the defendant and the presence of
25 liability insurance for an underlying actual damages is

1 typically excluded from evidence. There are exceptions to that
2 rule. If a witness testifies and is biased or capacity as
3 being affiliated with the underlying insurance carrier becomes
4 relevant, then that can override that.

5 So there's always circumstances where that general
6 prohibition does not apply, and it would not apply in a
7 punitive damage situation, and we've cited in our pretrial
8 brief to the Court the authority for the admission of the
9 indemnity provisions.

10 So the structure in this case is that MOPERM has an
11 underlying primary layer of \$2 million in coverage pursuant to
12 their memorandum of coverage and Star Insurance Company has an
13 \$8 million excess layer that takes force and effect when that
14 amount has been tendered. That amount has been tendered and
15 received.

16 The entirety of \$10 million liability coverage is
17 for 1983 acts specifically, and the language of the policy
18 includes indemnity for all damages or judgments awarded. There
19 was a period of time when Star Insurance had issued a
20 reservation of rights on the issue. They were reserving their
21 right to deny coverage on punitive issues. That reservation,
22 according to Mr. Cutler, has been lifted, and so there is no
23 dispute that the indemnity limits apply to the punitive award
24 in this case.

25 And, of course, the fundamental issue in the

1 punitive damage portion of the bifurcated trial would be the
2 assets or financial capability of the defendant, and that issue
3 is relevant, and so where the defendant has an \$8 million
4 indemnity right, we believe that we're allowed to offer that
5 coverage into evidence so that the jury understands exactly
6 who's responsible for that payment and what assets the
7 defendant has in that regard.

8 THE COURT: All right. Thank you.

9 And, Mr. Denk, I think you pretty much addressed all
10 of that in your motion, but is there anything further you'd
11 like to speak to or add to what you've already provided?

12 MR. DENK: The only thing I would say is we led in
13 our briefing with that Ninth Circuit case, the Larez decision.
14 We did that because it dealt specifically with the issue of
15 punitive damages. It's also a Section 1983 police misconduct
16 case and found that just as with compensatory damages,
17 admission of liability insurance relative to the punitive
18 damages is equally inappropriate. It doesn't serve the goal of
19 arriving at a fair compensation amount, and so it should be
20 deemed irrelevant.

21 THE COURT: All right. Thank you.

22 Mr. Cutler, do you want to add anything to this
23 discussion?

24 MR. CUTLER: No, sir.

25 THE COURT: All right. Thank you.

1 MR. PRESLEY: I think the only distinction, Your
2 Honor, is that in the Ninth Circuit case it was not a
3 bifurcated trial.

4 THE COURT: All right. I'm going to sustain the
5 motion to quash. I believe that insurance coverage, even in a
6 punitive submission, is not relevant or admissible pursuant to
7 Eighth Circuit law.

8 MR. PRESLEY: So as it relates to our offer of proof
9 on this, Your Honor, how would the Court like to proceed?

10 THE COURT: Well, you have the policy?

11 MR. PRESLEY: We do.

12 THE COURT: I think it -- you could offer that as an
13 exhibit, and I don't think there's any question about
14 authenticity of that policy or the extent of coverage. I
15 believe, at least it's my understanding, that all parties and
16 interests are in agreement that Star Insurance does provide
17 indemnity coverage for the \$8 million as Mr. Presley has
18 addressed.

19 Would you agree with that, Mr. Denk?

20 MR. DENK: You know, the only thing I would say, and
21 I think we have this in our brief, Your Honor, is that no one
22 from the city has direct knowledge about the reservation of
23 rights issue and what the relationship is between Star and
24 Defendant Runnels as to whether --

25 THE COURT: So you don't necessarily take a position

1 one way or another on that, you just say that's not your
2 responsibility to determine the extent of the coverage.

3 MR. DENK: Well, more specifically, relative to Mr.
4 Presley's proffer, no one from the city could offer testimony
5 that Defendant Runnels would be indemnified for either
6 compensatory or punitive damages award.

7 MR. PRESLEY: My offer of proof from the city is
8 there's \$10 million in liability coverage that was in force and
9 effect for police officers employed by the City of Independence
10 specifically and that were acting in the scope and course of
11 duties back on September 14th of 2014. I would call Mr.
12 Runnels to discuss the reservation -- the lifting of the
13 reservation as it relates to punitives.

14 THE COURT: Does anyone dispute Mr. Presley could
15 offer evidence to support the proposition that he has just
16 stated?

17 MR. DENK: I think that's right.

18 THE COURT: You have no reason to dispute that, Mr.
19 Denk?

20 MR. DENK: That's right.

21 THE COURT: Do you, Mr. Cutler?

22 MR. CUTLER: I have no reason to dispute that, Your
23 Honor.

24 THE COURT: I will consider that as Mr. Presley's
25 offer of proof.

1 MR. PRESLEY: I'm sorry to interrupt, Your Honor,
2 but just to be clear, our offer of proof would specifically be
3 that there's a \$2 million primary layer and an \$8 million
4 excess layer because, of course, any subsequent claim for
5 credit would be against the entirety of the judgment, and so we
6 believe the full amount of the indemnity limits would be
7 included in our offer of proof of 10 million.

8 THE COURT: All right. Does anyone take issue with
9 the offer of proof just stated by Mr. Presley?

10 Mr. Denk?

11 MR. DENK: No, Your Honor.

12 THE COURT: Mr. Cutler?

13 MR. CUTLER: No, sir.

14 THE COURT: All right. That is considered to
15 be a legitimate and acceptable offer of proof that you
16 could offer evidence to support what you state. It's not
17 necessary that you proceed with that evidence, and that offer
18 is denied.

19 MR. PRESLEY: Thank you, Your Honor.

20 THE COURT: All right. Thank you all.

21 MR. DENK: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (A recess was taken.)

24 (The following proceedings were had in the courtroom
25 out of the presence of the jury:)

1 THE COURT: Thank you. You can be seated.

2 If we go to a punitive phase, we'll take about ten
3 minutes before we begin with that after I receive the jury's
4 verdicts at this stage in order to present you with the
5 instructions that we have and see if there are any issues with
6 any of that, and I still -- I know that Mr. Presley is willing
7 to waive opening statements, and we'll talk about whether his
8 position remains the same and what Mr. Cutler's position is on
9 that.

10 So, Lisa, would you bring the jury in, please.

11 (The jury returned into open court with their
12 verdict at 10:26 a.m.)

13 THE COURT: Thank you. Everyone can be seated.

14 Ms. Tischer, I will read the jury's verdicts, but
15 since you have the forms, I take it you are the foreperson of
16 this jury; is that correct?

17 THE FOREPERSON: Yes, sir.

18 THE COURT: And so I'd like to just ask you, Ms.
19 Tischer, has the jury reached verdicts on the issues submitted
20 to you?

21 THE FOREPERSON: We have, Your Honor.

22 THE COURT: Thank you. Would you please hand the
23 verdict forms to Ms. Mitchell for me.

24 Thank you.

25 Verdict A. "On plaintiff Bryce Masters's claim

1 against defendant Timothy Runnels, as submitted in Instruction
2 No. 12, and further considering Instruction No. 13, we find in
3 favor of Bryce Masters.

4 "We find plaintiff Bryce Masters' compensatory
5 damages to be \$5 million."

6 Verdict B. "On plaintiff Bryce Masters' claim
7 against defendant Timothy Runnels, as submitted in Instruction
8 No. 16, we find in favor of Bryce Masters.

9 "We find plaintiff Bryce Masters' compensatory
10 damages to be \$50,000."

11 Verdict C. "We find defendant Timothy Runnels is
12 liable for punitive damages for conduct submitted in
13 Instruction No. 12.

14 "We find defendant Timothy Runnels is liable for
15 punitive damages for conduct submitted in Instruction No. 16."

16 All of these forms are dated today and signed by Ms.
17 Tischer as foreperson of the jury.

18 Ms. Tischer, did I correctly read the jury's
19 verdicts in this case?

20 THE FOREPERSON: Yes, Your Honor.

21 THE COURT: Mr. Presley, do you care to have the
22 jurors polled?

23 MR. PRESLEY: I do not, Your Honor.

24 THE COURT: Mr. Cutler, do you?

25 MR. CUTLER: Yes, sir.

1 THE COURT: All right.

2 (Each juror, upon being asked, "Are those your
3 verdicts? responded in the affirmative.)

4 THE COURT: Well, thank you very much, ladies and
5 gentlemen. We will now move on to the second phase for
6 consideration of punitive damages. I have a few matters to
7 take care of before we begin with that. So we're going to take
8 a ten-minute recess. You're free to leave the jury room or
9 stay there, but I'd like to ask you to be back in the jury room
10 in ten minutes, at 10:40 please, and we will begin with the
11 next phase of the trial.

12 The instructions I've given you previously remain in
13 effect until the punitive phase of the trial is submitted to
14 you and decided by you.

15 So we'll see you shortly. Thank you.

16 (The following proceedings were had in the courtroom
17 out of the presence of the jury:)

18 THE COURT: Rhys, will you go ahead and retrieve the
19 instructions that we have for the punitive phase so we can
20 distribute those to counsel.

21 So, Mr. Presley, are you still of a mind to be
22 willing to waive opening statement?

23 MR. PRESLEY: I am.

24 THE COURT: Mr. Cutler, what's your position? Do
25 you care to make an opening statement?

1 MR. CUTLER: Yes, sir.

2 THE COURT: All right. How much time would you like
3 to have?

4 MR. CUTLER: I'm going to say 15 minutes, but I
5 don't know I'll take the whole 15.

6 THE COURT: All right. You want 15 minutes?

7 MR. PRESLEY: I do not.

8 THE COURT: Do you want to waive your opening?

9 MR. PRESLEY: I do.

10 THE COURT: All right. And, Mr. Cutler, would you
11 like any kind of warning on your 15 minutes?

12 MR. CUTLER: No, sir.

13 MR. PRESLEY: And this is for opening statement?

14 THE COURT: Opening statements.

15 MR. PRESLEY: Very good.

16 THE COURT: All right. Rhys will bring those
17 instructions down and I'll come down with him. They're
18 basically what you all submitted with a few minor adjustments,
19 but you can have a look at them.

20 MR. PRESLEY: In the press of practice here, I've
21 forgotten how we broke down Verdict C. Was it a dual line as
22 well?

23 THE COURT: Verdict C the jurors were asked --

24 MR. PRESLEY: I'm sorry, Your Honor. Verdict D, the
25 batch that's coming.

1 THE COURT: I don't remember that either.

2 MR. PRESLEY: That's the only concern that we have.

3 THE LAW CLERK: It's currently set up with one line.

4 THE COURT: What was it, Janelle?

5 THE LAW CLERK: It's currently set up with one line.

6 THE COURT: One line?

7 THE LAW CLERK: For punitive.

8 MR. PRESLEY: I would just -- I think it would be

9 more appropriate to do it by package and to have it track the

10 liability finding with a reference to those instructions or

11 actually to Verdict A and to Verdict B actually.

12 THE COURT: Yes, I agree with that. That is proper,

13 so we'll make that adjustment.

14 MR. PRESLEY: Thank you, Your Honor.

15 MR. CUTLER: Thank you, Your Honor.

16 THE COURT: Thank you all.

17 (A recess was taken.)

18 (The following proceedings were had in the courtroom

19 out of the presence of the jury:)

20 THE COURT: Thank you. You can be seated.

21 I'm revising that instruction, but I've given it to

22 you just so that you can write in, and we'll have it retyped

23 before it's submitted to the jury, but that is Instruction

24 No. 20.

25 In the second paragraph of Instruction No. 20 I'm going

1 to have it retyped to read, "Mr. Presley has elected to waive
2 opening statement on behalf of plaintiff. Mr. Cutler will make
3 an opening statement on behalf of defendant." And then the
4 rest of the instruction remains the same.

5 MR. PRESLEY: Thank you, Your Honor.

6 THE COURT: So you can look at Instruction No. 21,
7 and we're going to revise the verdict form as stated
8 previously, and we'll get all of that done before the
9 instructions are read to or go to the jury, and we'll have an
10 opportunity later on break to see if anyone has any issues with
11 Instruction No. 21.

12 So, Mr. Presley, are you ready to proceed?

13 MR. PRESLEY: I am, Your Honor.

14 THE COURT: Mr. Cutler?

15 MR. CUTLER: Yes, sir.

16 THE COURT: Lisa, would you bring the jury in.

17 (The following proceedings were had in the presence
18 of the jury:)

19 THE COURT: Thank you. Everyone can be seated.

20 So, ladies and gentlemen, we begin this phase with
21 another instruction from me.

22 (The Court reads Instruction No. 20 to the jury.)

23 THE COURT: Mr. Presley.

24 MR. PRESLEY: Thank you, Your Honor.

25 Plaintiff elects to waive his opening statement and

1 proceed directly to evidence on the punitive damages.

2 THE COURT: Thank you.

3 Mr. Cutler.

4 Force of habit.

5 MR. CUTLER: Thank you, Your Honor.

6 THE COURT: Yes, sir.

7 DEFENDANT'S OPENING STATEMENT ON PUNITIVE DAMAGES

8 MR. CUTLER: Ladies and gentlemen, good morning.

9 Again, let me say thank you for your service as jurors and the
10 time and attention that you all have devoted to this. You
11 started deliberating yesterday and you came back this morning.
12 We all know this is a hardship for some of you, an imposition
13 on your time and we really appreciate it, both sides really do.

14 I want to talk to you a little bit about what we
15 think the evidence is going to show in this phase of the case.
16 This is the punitive damages phase. And this is the phase
17 where you all get to decide what amount of money, if any, will
18 serve to punish defendant, Timothy Runnels, and to deter him
19 from like conduct in the future. I want to talk to you about
20 what we think the evidence is going to show in that regard.

21 In terms of what it's going to take to punish him
22 financially, he doesn't have anything. The evidence is going
23 to be he is in prison. He makes what he makes in prison, and
24 you will hear testimony about that. But it's going to be our
25 position that he's been punished enough. He's already serving

1 time. He's already given up his career as a police officer.

2 You heard the evidence, and you will hear the
3 evidence again that he went to college as a criminal justice
4 major. He came out of college to become a police officer, and
5 he's been a police officer. That's been his adult career. You
6 will hear the evidence that's gone now. He's no longer a
7 police officer. You will hear the evidence he will never be a
8 police officer again. And so you know the constitution
9 guarantees life, liberty, and the pursuit of happiness. He has
10 his life. He does not have his liberty. He no longer has
11 pursuit of happiness because he can no longer pursue the career
12 that he has always wanted to pursue. That's what the evidence
13 is going to be in this case.

14 So as you try to determine how can we punish him to
15 make sure this doesn't happen again? It's not going to happen
16 again. He can no longer be a police officer. He's in prison
17 and he's learned his lesson. So you will hear that evidence
18 from Mr. Runnels.

19 So I just wanted to let you know what we think the
20 evidence is going to be; and as you deliberate and as you think
21 about what it's going to take to punish this young man, just
22 keep that in mind.

23 Thank you very much.

24 THE COURT: Mr. Presley.

25 MR. PRESLEY: Plaintiffs are ready to proceed, Your

1 Honor.

2 PLAINTIFF'S EVIDENCE ON PUNITIVE DAMAGES

3 MR. PRESLEY: As the Court has previously instructed
4 you, the following stipulated facts.

5 No. 1. This court has subject matter jurisdiction
6 pursuant to 28 U.S.C. Section 1331 as this action arises under
7 the laws of the United States.

8 No. 4. On September 14th, 2014, Runnels was
9 employed by the City of Independence, Missouri, as a police
10 officer and was acting under the color of state law as an
11 employee of the city.

12 No. 46. On September 11th, 2015, Runnels pled
13 guilty to violating plaintiff's civil rights by dropping
14 plaintiff face first on the ground while plaintiff was
15 restrained and not posing a threat to Runnels or others.

16 Those are the stipulated facts, Your Honor. In
17 addition to the evidence adduced during the first phase of the
18 trial, that is all the evidence on plaintiff's behalf and
19 plaintiff rests.

20 THE COURT: Thank you.

21 Mr. Cutler.

22 DEFENDANT'S EVIDENCE ON PUNITIVE DAMAGES

23 MR. CUTLER: Your Honor, at this time we call
24 Timothy Runnels to the stand.

25 THE COURT: Mr. Runnels, would you come back up,

1 please, sir.

2 TIMOTHY RUNNELS, being sworn by the courtroom deputy,

3 testified:

4 DIRECT EXAMINATION BY MR. CUTLER:

5 Q For the record would you state your name, please.

6 A Timothy Runnels.

7 Q Mr. Runnels, some of this may be repetitive. I'll try

8 to make it as less repetitive as I can, but we do need to get

9 certain things on the record.

10 You pled guilty to dropping Bryce Masters on his

11 face, correct?

12 A Yes, sir.

13 Q And you pled guilty in federal court?

14 A Yes.

15 Q And you are currently serving time?

16 A Yes.

17 Q And you received a four-year prison sentence for that,

18 correct?

19 A Yes.

20 Q How much money do you make in prison?

21 A Currently none.

22 Q And why is that?

23 A Prison doesn't pay very well unless you get some jobs,

24 and still it's very minimal.

25 Q So do you have a job in prison?

1 A Not currently.

2 Q Have you had one since you've been there?

3 A I have had one, yes.

4 Q What was that job?

5 A The most pay the job received was \$20 a month.

6 Q And how long did you have that job?

7 A I had it for about six months prior to being

8 transferred here for this proceeding.

9 Q And your transfer here to this proceeding caused you to

10 lose that job?

11 A Yes.

12 Q So you made about \$180 in that job?

13 A It sounds appropriate.

14 Q You've had no other jobs since you've been serving your

15 time?

16 A No.

17 Q What's a typical day like for you?

18 A Wake up, go to breakfast.

19 Q About what time do you wake up?

20 A Six o'clock.

21 MR. PRESLEY: Objection; relevance.

22 THE COURT: Overruled.

23 A Six o'clock.

24 Q (By Mr. Cutler) You go to breakfast?

25 A Go to breakfast. They have some different classes you

1 can go to. Go to lunch, go to the yard, do some running, come
2 back, go to dinner, and then usually reading in the evenings,
3 reading or church.

4 Q You mentioned they have classes you can go to. Are you
5 taking any classes?

6 A Yes, sir.

7 Q What classes are you taking?

8 A Upholstery class.

9 Q Upholstery?

10 A Yes, sir.

11 Q Have you taken any other classes since you've been
12 there?

13 A Yes, sir.

14 Q What other classes have you taken?

15 A I participated in a welding class and an HVAC class.

16 Q HVAC, heating, ventilation, and air conditioning?

17 A Yes, sir.

18 Q Okay. Do you receive any kind of certificates for
19 those classes or you just take them?

20 A You get a certificate of completion.

21 Q Do you yourself own any assets?

22 A No, sir, just my truck.

23 Q Okay. Have you learned your lesson from dropping Bryce
24 Masters?

25 A Yes, sir.

1 Q Through this process we've learned a lot about Tasers.
2 We've learned a lot about avoiding chest shots and when
3 practicable and when possible and all the stuff we heard about
4 Tasers. Through this process, this court process, this
5 lawsuit, have you become more acquainted with the use of a
6 Taser?

7 A Absolutely.

8 Q And have you become more acquainted with the policies
9 and procedures related to using a Taser?

10 A Yes, sir.

11 Q Now, you went to college and you were a criminal
12 justice major, correct?

13 A Yes.

14 Q And that was with the intent to becoming a police
15 officer?

16 A Correct.

17 Q Will you ever be able to serve as a police officer
18 again?

19 A No, sir.

20 Q And that's because of your pleading guilty to dropping
21 Bryce Masters onto the ground?

22 A Correct.

23 Q Career in law enforcement is over?

24 A Yes, sir.

25 Q How old are you?

1 A Thirty-five.

2 Q As a convicted felon, are there certain things that you
3 will never be able to do in life?

4 A There's a lot of jobs I won't be able to obtain. I was
5 an avid hunter with my father since the age of eight. I won't
6 be able to do that.

7 Q Why not?

8 A Because of restrictions with certain weapons.

9 Q What else?

10 A I won't, as far as I know, will be able to participate
11 in voting rights. I'm sure there's multiple avenues, but just
12 the struggle as far as obtaining security and financial future
13 for my family once I am able to return is going to be more
14 difficult.

15 Q Now, part of this punitive damage thing is have you
16 learned your lesson, to deter you from like conduct in the
17 future. You had no intent to harm Bryce Masters, did you, with
18 respect to the Tasing?

19 A No, sir.

20 Q Even with the drop to the ground, you weren't intending
21 to harm him, were you?

22 A No, sir.

23 Q You admit you shouldn't have dropped him to the ground?

24 A Correct.

25 Q And you learned your lesson from that?

1 A Yes, sir.

2 Q Even with the Tasing, you felt what you did at the time
3 was appropriate, correct?

4 A Yes, sir.

5 Q Obviously in hindsight you wish it would have been a
6 better outcome?

7 A I wish the outcome would have been drastically
8 different, yes.

9 Q Do you have plans to take any other classes while you
10 are incarcerated?

11 A I try to take as many classes as I can to help pass
12 time. The reason is I try to stay as active and involved as
13 possible to try to gain as much knowledge as I possibly can to
14 have any hope and gain a future for myself and my family.

15 Q You talked about your family. Are you married?

16 A Yes, sir.

17 Q How many children do you have?

18 A Two.

19 Q Do you get to see your kids very often?

20 A About once every month or two.

21 Q And I mentioned before, you are incarcerated out of
22 state, correct?

23 A Correct.

24 Q Currently you're local because of the trial; but when
25 the trial's over, you will go back to where you were out of

1 state, correct?

2 A Correct.

3 Q And when I say "out of state," we're not talking about
4 Kansas or Illinois or -- I mean, you're out of state?

5 A Correct. I'm over eight hours away.

6 Q So you're in a situation where you just don't get to
7 see your family every weekend?

8 A No, sir.

9 Q Since all this has happened, have you lost any friends?

10 A I've lost a few, yes.

11 Q You do have some friends that are still in your corner?

12 A Yes, sir.

13 Q When I say "in your corner," they don't necessarily
14 support what you did but they support you as a person?

15 A Yes, sir.

16 Q You have some family members that may be acting
17 differently towards you?

18 A I could say so, yes.

19 Q And those relationships are broken?

20 A To a degree, yes.

21 Q Is there anything that you would like to tell the jury
22 about any remorse or how you feel about what happened to Bryce
23 Masters?

24 A I can tell you I had no intention of harming him. I
25 wish the outcome would have been different. I wish my actions

1 could have been better. At the time I was responding to what I
2 thought was right. If things could have changed, outcome could
3 have changed, I would gladly take that option, but I can't and
4 it's my responsibility. It's out of my hands.

5 MR. CUTLER: No further questions, Your Honor.

6 CROSS-EXAMINATION BY MR. PRESLEY:

7 Q Mr. Runnels, when are you due to be released?

8 A I believe my outdate is August 2020, I think.

9 Q There was a time you were employed as a police officer
10 with the City of Independence back in September of 2014; is
11 that correct?

12 A Yes.

13 Q And then you were terminated by the city as a police
14 officer; is that true?

15 A Yes.

16 Q What did you -- what was your next employment after
17 that?

18 A I worked with my family at a plastics business.

19 Q And did you continue to work with your family in the
20 plastics business until you were sentenced and reported to the
21 Bureau of Prisons?

22 A Yes, sir.

23 Q Thank you.

24 MR. PRESLEY: That's all.

25 THE COURT: Mr. Cutler?

1 MR. CUTLER: Nothing further, Your Honor.

2 THE COURT: Thank you, Mr. Runnels.

3 (Witness excused.)

4 MR. PRESLEY: Anything further?

5 MR. CUTLER: No further evidence, Your Honor.

6 MR. PRESLEY: Just by way of rebuttal, I would
7 make -- I would reinstitute the offer that I made previously,
8 Your Honor, as rebuttal evidence.

9 THE COURT: All right. The record remains the same.

10 MR. PRESLEY: Thank you, Your Honor. Nothing
11 further.

12 THE COURT: All right. Ladies and gentlemen, I have
13 one final instruction to give to you that I'm going to need
14 just a brief amount of time to get it printed up and finalized.

15 I'd like for you to take a ten-minute break. Keep
16 the instruction I've given you previously in mind, and please
17 be back in the jury room in ten minutes, at five minutes after
18 eleven.

19 Thank you.

20 (The following proceedings were had in the courtroom
21 out of the presence of the jury:)

22 THE COURT: You can be seated.

23 You want a few minutes to look at Instruction 21?

24 MR. PRESLEY: No. I just need a verdict form.

25 THE COURT: Do you have any record you want to make

1 on Instruction 21, Mr. Cutler, or have you had a chance to look
2 at it? I can come back in five minutes if you want me to.
3 Rhys can get you the verdict forms.

4 MR. PRESLEY: I do need to make just a quick record.

5 THE COURT: Okay.

6 MR. PRESLEY: So, as I stated at the close of
7 defendant's evidence, plaintiff offered rebuttal evidence of
8 the same offer of proof that was made that the plaintiff would
9 have made in his case in chief at this phase of the trial.

10 There is no evidence in this case that the defendant
11 will have to pay one penny of any of the judgments entered so
12 far or that could be entered in the future, and under Ballinger
13 versus Gascosage Electric Co-op, a Missouri banc case, the
14 closing argument that plaintiff was able to make in that regard
15 under those circumstances was that very statement. And also
16 under Amador versus Lea's Auto Sales & Leasing, 916 S.W.2d 845,
17 where the defendant placed the financial condition of his
18 client at issue, I believe that it would be appropriate for us
19 to, again, reference the fact that there's been no evidence
20 that he is personally liable for any of the judgments rendered.

21 THE COURT: All right. That is considered as an
22 offer of proof.

23 Do you have any objection to considering that as an
24 offer of proof, Mr. Cutler?

25 MR. PRESLEY: It's really not an offer of proof. It

1 just goes to argument, Your Honor, but I appreciate the Court's
2 thinking on that. Just as a matter of courtesy to Keith and
3 the Court, I felt like I should let the Court know that is what
4 I intend to argue.

5 THE COURT: I appreciate that. That argument will
6 not be permitted, and you are not to make that argument to the
7 jury.

8 So I'll be back in five minutes to see if we have
9 any record on the instructions; and if not, we will proceed.

10 (Recess taken at 11:03 a.m.)

11 (The following proceedings were had in the courtroom
12 out of the presence of the jury:)

13 THE COURT: Thank you. You can be seated.

14 Mr. Cutler, do you have any record on the
15 instructions at this phase?

16 MR. CUTLER: Yes, sir, Your Honor. With respect to
17 Instruction No. 21, and in an earlier iteration of the
18 instruction the Court distributed on Wednesday morning the
19 Instruction 21 included the definition of maliciously as
20 reflected in the model instruction 4.24. Maliciously means
21 intentionally injuring another without just cause. I see in
22 the Instruction 21 that has been presented this morning that
23 that definition has been taken out.

24 THE COURT: You want it back in?

25 MR. CUTLER: Yes, sir.

1 THE COURT: Mr. Presley?

2 MR. PRESLEY: It does refer to intentional malice,
3 so I think the 4.72 has been modified appropriately to include
4 that.

5 THE COURT: All right. Let's put the definition of
6 malicious back in.

7 How much time do you want for argument, Mr. Presley?

8 MR. PRESLEY: Five minutes, please.

9 THE COURT: Mr. Cutler, how much time do you want?

10 MR. CUTLER: Am I limited to what the plaintiff
11 requests?

12 THE COURT: No. But if you want more time than he
13 gets and I give you more time, then he gets more time too.

14 MR. CUTLER: I would like ten minutes, Your Honor.

15 THE COURT: Okay.

16 MR. PRESLEY: I'll just do seven and three, Your
17 Honor.

18 THE COURT: Okay. You want any kind of a warning?

19 MR. PRESLEY: I won't need it. Thanks.

20 THE COURT: Mr. Cutler, do you want a warning?

21 MR. CUTLER: Yes. A three-minute warning, Your
22 Honor.

23 THE COURT: Three-minute. All right.

24 For your information, we now added a definition of
25 malicious to Instruction 21.

1 Any further record on that you'd like to make, Mr.
2 Presley?

3 MR. PRESLEY: None, Your Honor.

4 THE COURT: And Mr. Cutler?

5 MR. CUTLER: No, sir.

6 THE COURT: All right. Thank you.

7 Lisa, would you bring the jury back in.

8 (The following proceedings were had in the presence
9 of the jury:)

10 THE COURT: Thank you, ladies and gentlemen.
11 Everyone can be seated.

12 Ladies and gentlemen, here is my final instruction
13 and appropriate verdict form for this phase of the trial. I
14 begin with Instruction No. 21.

15 (The Court reads Instruction No. 21 to the jury.)

16 THE COURT: Mr. Presley, you may begin with your
17 closing argument.

18 MR. PRESLEY: Thank you.

19 If it please the Court, Your Honor and counsel.

20 PLAINTIFF'S CLOSING ARGUMENT ON PUNITIVE DAMAGES

21 MR. PRESLEY: During the actual damage phase of the
22 trial, I was able to provide you with some guidance as best I
23 know how as to Bryce's actual damages. When it comes to
24 punitive damages, you are to be guided by Instruction 21. I
25 can help you with the content and the framework for deciding,

1 but I can't give you an amount. There's no amount that I can
2 give you that your collective wisdom and consciousness could
3 supersede. You're the bosses here and because of that, we
4 leave it to your sound discretion in determining an amount,
5 because anything I could say would not be the voice of the
6 community. You are the voice of our community. You are the
7 voice that rings out throughout this nation when it comes to
8 protecting the rights and liberties that our citizens are
9 entitled to under the Constitution and the Fourth Amendment to
10 the Bill of Rights.

11 So let's look at some of the factors that you are to
12 consider. No. 1 is how reprehensible or just how bad was the
13 defendant's conduct? And so when you look at the disregard for
14 human health and safety, that's a different analysis for the
15 different findings that you made in the verdict form. You have
16 to look at the reprehensibility of someone who takes an
17 unconscious 17-year-old with his hands handcuffed behind his
18 back and drops him to the pavement, and you have to decide how
19 are we going to send a message, not just to the defendant --
20 let's go to the bottom, Matt -- not just to deter the defendant
21 but others from similar wrongful conduct in the future. And
22 that's the importance of your mission here. That's really
23 the -- as I told you in the actual damage phase, this is the
24 opportunity that if you found there was liability for punitive
25 damages, this would be your opportunity to speak out, and

1 that's the opportunity to be presented to you now.

2 So we also have to look at the Tasing; and when
3 you do, consider paragraph 2. How much harm did the
4 defendant's wrongful conduct cause the plaintiff and could
5 cause the plaintiff in the future? This is where you have the
6 chance to put to bed forever the Dr. Vilkes of the world who
7 come in and say the Taser didn't cause this.

8 There's just no doubt based on the evidence we see
9 that the Taser caused Bryce's cardiac arrest. Your findings
10 confirm that. And now this is your opportunity to say Taser
11 misconduct is not going to be tolerated by the citizens of this
12 state. Just as juries must staunchly defend the rights of
13 responsible officers to use force in appropriate fashions in
14 appropriate circumstances, this is your opportunity to speak
15 with a collective voice and to send the message to everyone,
16 everyone in Independence, everyone in Kansas City, everyone in
17 our state that if you are going to perform acts like we've seen
18 in this case and all of the evidence that was before you in
19 Phase 1, that this is what you have to lose, and that's the
20 message that deters others from this similar conduct. It's not
21 until jurors like you speak out.

22 Independence didn't do it. They chose not to
23 sustain it. The criminal court in the federal criminal charge
24 never got to that point because of Tim Runnels' guilty plea.
25 You are the only jury who has had the opportunity to weigh that

1 evidence and to see the actual conduct and to make a
2 determination on liability for punitive damages, and it will be
3 a hollow victory to find the defendant in this case liable for
4 punitive damages and not express fully the reprehensibility and
5 the harm and the reckless disregard for the safety of others
6 his conduct caused.

7 Thank you.

8 THE COURT: Mr. Cutler.

9 MR. CUTLER: Thank you, Your Honor.

10 DEFENDANT'S CLOSING ARGUMENT ON PUNITIVE DAMAGES

11 MR. CUTLER: Ladies and gentlemen, you all are
12 familiar with the phrase, "What do you give a person who has
13 everything?" The converse of that is how do you punish
14 somebody who doesn't have anything, who has nothing, who's had
15 everything taken away from him? What kind of punishment do you
16 impose on that person? And that's the question that you all
17 will have to answer.

18 We've talked about he's already given up his
19 liberty. He's already given up the life that he knew. He's
20 already given up the career that he went to school for, that he
21 studied and trained for. That is forever gone. So now how do
22 you punish a man who has given up his liberty and given up his
23 career, given up familiar relationships? He's given up certain
24 other job prospects. He's given up the right to vote. How do
25 you punish a man who's given up all that?

1 When you look at the jury instruction, there are a
2 lot of things that you have to look at. Mr. Presley talked to
3 you about some of them. Mr. Presley talked about some of them,
4 but I want to go through what the instruction says. How
5 reprehensible defendant's conduct was. Now, you heard the
6 testimony about why Officer Runnels did what he did.
7 Particularly with respect to the Taser. Again, with the drop
8 to the ground, he admitted that. He's serving his time for
9 that.

10 Whether the harm suffered by the plaintiff was
11 physical, economic, or both. As relates to the Taser, you've
12 already rendered your verdict on what you feel he was
13 compensated for for any physical, economic harm. I don't want
14 to go back and reargue that, but you have to consider that.

15 Whether there was violence, deceit, or intentional
16 malice. With respect to the Taser, you heard the testimony
17 from Officer Runnels he did not intend to harm Bryce. The
18 Taser is supposed to act a certain way. It didn't act that
19 way. It's supposed to neuromuscularly incapacitate a person.
20 That's all it's supposed to do. It isn't suppose to cause
21 cardiac arrest. It isn't supposed to cause brain damage.
22 That's not what the training was. So there was no intent for
23 Bryce Masters to end up with a brain injury.

24 Reckless disregard for human safety or health.
25 Again, officers all across the country use Tasers. So the use

1 of the Taser in and of itself is not a reckless disregard for
2 human health and safety.

3 Whether the officer's conduct that harmed the
4 plaintiff also posed a risk of harm to others. There are no
5 others involved. There's nobody involved but Bryce Masters and
6 Timothy Runnels.

7 Whether there was any repetition of the wrongful
8 conduct. No, there wasn't. This is not a situation where
9 Officer Runnels was going around Tasing people causing brain
10 damage. This is the one and only time he ever deployed his
11 Taser in the field.

12 Past conduct of the sort that harmed plaintiff.
13 Again, this is the one and only time he ever deployed his
14 Taser; and even if he had deployed his Taser more than one
15 time, this is not the outcome that Tasers are designed to
16 produce. They are not designed to produce brain injury. They
17 are not designed to produce someone to go into cardiac arrest.

18 Now, what amount -- I'm going down to No. 3. What
19 amount of punitive damages is needed considering the
20 defendant's financial condition? That's the question. How do
21 you punish a man financially who has nothing? Do you give him
22 a \$100,000 punitive damage award? He doesn't have \$100,000.
23 He doesn't have \$150,000. He doesn't have \$10,000. How do you
24 punish somebody who doesn't have anything financially? There's
25 no reason to impose a huge financial burden on someone who's

1 already given up his liberties, already in prison, who's
2 already serving time for what he's done.

3 To deter the defendant and others from similar
4 conduct. Again, Tasers aren't designed to do this. So any
5 amount you award him is not going to stop an officer from
6 Tasing a suspect who's resisting arrest. That's how officers
7 are trained. That's what the Taser is designed to do. You
8 definitely don't have to worry about deterring Mr. Runnels
9 because he's never ever going to work in law enforcement again.
10 He's not going to be able to possess a Taser or firearm or
11 anything of that nature. So in terms of deterring him, money's
12 not it. It's already been done.

13 And then finally down at the bottom in terms of
14 malice and maliciously. The key word to all of this is
15 intentional. In your compensatory damage award that you
16 awarded earlier, those were based on what Bryce's damages are.
17 It didn't factor in Officer Runnels' intent. It only focused
18 on what Bryce's damages were. You all determined his damages
19 were \$5 million for the Taser and \$50,000 for the drop to the
20 ground. That's what you determined his damages were. But
21 those weren't based on Officer Runnels' intent. That was
22 strictly what Bryce's damages were.

23 Your punitive damages award, however, that you are
24 about to go deliberate on, that is solely dependent on Officer
25 Runnels' -- not solely, I'm sorry. That is dependent in part

1 on Officer Runnels' intent. Did he intend for this outcome to
2 happen? Did he Tase Bryce knowing that he's going to end up
3 with a brain injury? Did he Tase Bryce knowing he was going to
4 end up in cardiac arrest? The evidence of that is absolutely
5 no. He did not intend any of this. And so when you punish
6 somebody for their intentional conduct, that's one thing. When
7 you punish somebody for an unforeseeable bad outcome, that's
8 something completely different.

9 THE COURT: Three minutes, Mr. Cutler.

10 MR. CUTLER: Thank you, Your Honor.

11 And so what I would suggest to you in terms of what
12 amount would be an appropriate amount for punitive damages, you
13 know, for the top line we're talking about the Taser and for
14 the bottom line we're talking about the drop. Your
15 compensatory damage award with respect to the Taser was \$5
16 million; but, again, that's Bryce's damages. In terms of what
17 will punish and deter Officer Runnels for conduct he never
18 intended to happen, had no way of knowing it would happen, you
19 have to come up with an amount that you think will punish him,
20 and I'm going to suggest the amount of \$100,000. Again, he's
21 probably never going to be able to pay that. He's probably
22 never going to be able to earn that. I don't know when he gets
23 out of prison, maybe he will get a nice job. We don't know
24 that. But in terms of what he has now. He may or may not be
25 able to pay that, I don't know. But I think given his intent

1 that he did not intend for this to happen, this was an outcome
2 that he did not foresee and no one could have foreseen, then I
3 think that's a fair amount.

4 With respect to the drop, you all awarded
5 compensatory damages of \$50,000. I think an appropriate amount
6 to punish Officer Runnels for that would be \$10,000. And when
7 I say I think it's an appropriate amount, I obviously don't
8 think any amount will serve to punish him, deter him because
9 it's already been done. He's already been deterred from this
10 conduct. He's never going to do it again for a variety of
11 reasons that we already talked about. But if you decide you
12 need to assess any amount to him, I mean the Verdict D gives
13 you the option of writing none. You can write none if you want
14 to. You can write zero. You can write \$1,000. You can write
15 \$5,000. It also gives you the option of none. So I'm not
16 suggesting about writing numbers in here that you have to give
17 him -- award anything for damages, but if you do -- Mr. Presley
18 said he wasn't going to give you any guideline. I am giving
19 you this guideline; and if you decide that you are going to
20 award punitive damages, then I would suggest amounts not
21 exceeding the amounts that I've shown you.

22 As before, ladies and gentlemen, thank you very much
23 for your time and attention.

24 MR. PRESLEY: If we may approach.

25 THE COURT: Yes.

1 (Counsel approached the bench and the following
2 proceedings were had:)

3 MR. PRESLEY: Mr. Cutler, argued how do you punish a
4 man? He argued that this places a huge financial burden on
5 him. He continued to argue that he probably can't pay a
6 100,000 or 10,000, and that specifically opens the door to the
7 fact that he is not obligated to pay any of these judgments
8 until the amount exceeds the available indemnity limits. Now,
9 I'm not asking to argue the insurance. I am asking simply to
10 argue that it's whether or not he can pay it or not.

11 THE COURT: Well, there's certainly other factors
12 beyond his financial condition. You can argue those factors,
13 but I'm not going to let you suggest his financial condition is
14 not a consideration.

15 MR. PRESLEY: That's not my intent. My intent is to
16 simply address the very argument that he can't pay it, because
17 that's not what the case is about, and there's no evidence that
18 he's required to pay it; and as such, I should be able to say
19 that there's no evidence that he's required to pay this.

20 THE COURT: I'm not going to let you argue that.
21 You cannot argue that.

22 MR. PRESLEY: That's my record.

23 THE COURT: All right. Your request is denied.

24 (The proceedings returned to open court.)

25 MR. PRESLEY: If the Court please, Your Honor.

1 THE COURT: Mr. Presley.

2 PLAINTIFF'S REBUTTAL CLOSING ARGUMENT ON PUNITIVE DAMAGES

3 MR. PRESLEY: Briefly, ladies and gentlemen, the
4 important thing about verdicts, just as the verdicts you've
5 rendered in A, B, and C, is that they are now public. They are
6 now a part of this court's file. This courthouse is open to
7 everybody, and they're a permanent record of -- and they are
8 carved in stone and there's nothing that can change that, and
9 that's the opportunity that you have in Verdict D.

10 So when you look at the issues and the elements of
11 damage and are guided by Exhibit 21, I would simply suggest to
12 you that if he can't pay 100, he can't pay 10, then he can't
13 pay whatever you -- message you choose to send to others to
14 deter them from this similar conduct, and that is the important
15 mission that you have.

16 Thank you very much.

17 THE COURT: All right. Ladies and gentlemen, here's
18 my final instruction and Verdict Form D, and Lisa will take you
19 into the jury room. Again, same rules apply as previously. If
20 you want to take a break, let Lisa know how long you're going
21 to break for, whether it's a short break or if you want to take
22 a little longer break for lunch, let her know.

23 Again, you can only discuss this case when all eight
24 of you are present in the jury room, and you cannot discuss the
25 case outside the jury room. I mean, if all eight of you decide

1 to go to lunch down in the Northview or whatever, the cafe in
2 the basement of the courthouse, you can't talk about it outside
3 the jury room.

4 Don't read, view, or listen to any media reports of
5 the case. Don't do any research. Don't do any social media.
6 Don't talk to anyone other than yourself until all eight of you
7 are present in the jury room.

8 Thank you, ladies and gentlemen.

9 (The case was given to the jury at 11:40 a.m. on
10 Friday, December 14, 2018, and the jury retired to their room
11 to deliberate on their verdict.)

12 (The following proceedings were had in the courtroom
13 out of the presence of the jury:)

14 THE COURT: All right. We'll let you know what we
15 hear.

16 MR. CUTLER: Thank you, Your Honor.

17 (A recess was taken.)

18 (The following proceedings were had in the courtroom
19 out of the presence of the jury:)

20 THE COURT: Thank you. Everyone can be seated.

21 I presume you've been told that the jury has advised
22 they have a verdict at this stage.

23 So, Lisa, would you please bring them in.

24 (The jury returned in open court with their verdict
25 at 12:35 p.m.)

1 THE COURT: Thank you. Everyone can be seated.

2 Again, Ms. Tischer, has your jury reached a verdict
3 at this stage, ma'am?

4 THE FOREPERSON: Yes, Your Honor.

5 THE COURT: Thank you. Would you please hand the
6 verdict form to Ms. Mitchell for me.

7 Thank you.

8 Verdict D. "We assess punitive damages for the
9 conduct submitted in Instruction No. 12 against defendant
10 Timothy Runnels as \$500,000.

11 "We assess punitive damages for the conduct
12 submitted in Instruction No. 16 against defendant Timothy
13 Runnels as \$1 million."

14 Again, the verdict form is signed by Ms. Tischer and
15 dated today.

16 Mr. Presley, do you care to have the jury polled?

17 MR. PRESLEY: Do not, Your Honor.

18 THE COURT: And, Mr. Cutler, do you?

19 MR. CUTLER: Yes, sir.

20 (Each juror, upon being asked, "Is this your
21 verdict?" responded in the affirmative.)

22 THE COURT: All right. Well, ladies and gentlemen,
23 that concludes your service in this case; and, again, I would
24 like to thank you very much for taking the time out of your
25 lives and schedules to perform this important civic

1 responsibility and function.

2 Beyond that, you've been a very good group to work
3 with. You've been very cooperative. I always rely upon what
4 Lisa tells me about the nature of the people that she's dealing
5 with, and she's appreciated the group that you all are, your
6 friendly and cooperative nature about things.

7 I know that these are difficult situations for
8 people. It's a tough deal. We ask a lot of people to come in
9 and make these kind of decisions that are outside the norm of
10 your life for most everyone, and we appreciate the difficulty
11 that that presents for you and the fact that you're willing to
12 undertake this task and to perform your responsibility.

13 As there has been some mention about previously,
14 there has been some media attention to this case. You're all
15 free now to talk to whoever you would like to. You,
16 additionally, have no obligation to talk to anyone. It's up to
17 you. The lawyers may want to talk to you now or in the future.
18 You may have some contact from someone else. It's totally up
19 to you, ladies and gentlemen, as to whether you want to discuss
20 anything with anyone or not. Obviously you can talk to your
21 family about it, your friends. You can call your employers and
22 tell them you can come back to work Monday, if you want to.

23 I also have some certificates which is a very, very
24 small token of my appreciation and everyone's appreciation for
25 your service here. If anyone needs to take it back to an

1 employer to verify your service in this case, it will serve
2 that purpose as well.

3 So thank you very much. I don't know if you've had
4 an opportunity, don't have any windows back there, but it looks
5 like it's going to be a pretty nice afternoon this afternoon,
6 so I hope you can get out and enjoy a little bit of that.

7 Have a good weekend and thank you very much, ladies
8 and gentlemen. You are all excused.

9 (The following proceedings were had in the courtroom
10 out of the presence of the jury:)

11 THE COURT: Well, I would like to thank the
12 attorneys in the case for their hard work, for their courtesy,
13 as I said when we met earlier, towards each other and towards
14 me.

15 You all did an excellent job of representing your
16 respective interests in the case. There are lots of issues
17 that came up and there are lots of issues that still exist, but
18 the jury has spoken in the case, and I appreciate the respect
19 that you all have exhibited towards them and their role in
20 recognition of the difficulty of the task that was presented.

21 It's a very unfortunate case all the way around, and
22 I think we all recognize that and we have great sympathy and
23 concern for all the parties in the case; but as difficult as
24 this process was, it's been made much easier by the
25 professionalism and the kind of courtesy that you, Mr.

1 Presley, and, Mr. Cutler, have exhibited. So for that I thank
2 you.

3 MR. PRESLEY: Thank you, Your Honor.

4 MR. CUTLER: Thank you, Your Honor.

5 (Adjournment)

CERTIFICATE OF OFFICIAL REPORTER

I, Katherine A. Calvert, Federal Official Court Reporter, in and for the United States District Court for the Western District of Missouri, do hereby certify that the foregoing is a true and correct transcript of the stenographically reported proceedings in BRYCE E. MASTERS, Plaintiff, vs. CITY OF INDEPENDENCE, MISSOURI, et al., Defendants, No. 16-CV-01045-GAF.

Dated this 19th day of July, 2019.

KATHERINE A. CALVERT, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER